

1 **KAZEROUNI LAW GROUP, APC**  
2 Abbas Kazerounian, Esq. (SBN: 249203)  
3 Jason A. Ibey, Esq. (SBN: 284607)  
4 jason@kazlg.com  
5 245 Fischer Avenue, Suite D1  
6 Costa Mesa, CA 92626  
7 Telephone: (800) 400-6808  
8 Facsimile: (800) 520-5523

9  
10 **HYDE & SWIGART**  
11 Joshua B. Swigart, Esq. (SBN: 225557)  
12 josh@westcoastlitigation.com  
13 2221 Camino Del Rio South, Suite 101  
14 San Diego, CA 92108  
15 Telephone: (619) 233-7770  
16 Facsimile: (619) 297-1022

17 *Attorneys for Plaintiffs,*  
18 Erik Knutson and Kevin Lemieux

19  
20 **UNITED STATES DISTRICT COURT**  
21 **SOUTHERN DISTRICT OF CALIFORNIA**

22 **ERIK KNUTSON and KEVIN**  
23 **LEMIEUX, Individually and On**  
24 **Behalf of All Others Similarly**  
25 **Situated,**

26 Plaintiffs,

27 v.

28 **SCHWAN'S HOME SERVICE,**  
29 **INC.; and CUSTOMER ELATION,**  
30 **INC.,**

31 Defendants.

32 Case No.: 12-CV-00964-GPC (DHB)

33  
34 **DECLARATION OF PATRICK M.**  
35 **PASSARELLA OF KCC IN**  
36 **SUPPORT OF MOTION FOR**  
37 **PRELIMINARY APPROVAL OF**  
38 **CLASS ACTION SETTLEMENT**  
39 **AND CERTIFICATION OF**  
40 **SETTLEMENT CLASS**

1 I, Patrick M. Passarella, declare:

2 1. I am a Senior Vice President of Operations with KCC Class Action Services  
3 ("KCC") located at 75 Rowland Way, Suite 250, Novato, California 94945.  
4 I submit this declaration to the Court as I understand and appreciate the  
5 parties' request to have KCC appointed as the Claims Administrator for the  
6 settlement in the event the Court grants preliminary approval of the proposed  
7 class action settlement in the lawsuit entitled *Knutson v. Schwan's Home*  
8 *Service, Inc. et. al.*, case no. 12-cv-00964-GPC (DHB) (S.D. Cal.).

9 2. KCC specializes in providing comprehensive class action settlement  
10 services, including, but not limited to, pre-settlement consulting, legal  
11 notification, contact center services, website design, claims administration,  
12 class member data management, legal notification, call center support, and  
13 other related services critical to the effective administration of class action  
14 settlements.

15 3. KCC's business is national in scope. Since 2000, KCC has been retained to  
16 administer more than 1,300 class action settlements. As part of these  
17 settlements, KCC has provided class notification solutions in cases with  
18 class members that range in numbers from 22 to over 22 million, and has  
19 distributed settlement payments totaling well over \$2 billion.

20 4. I was asked to prepare and sign this declaration by Plaintiffs' counsel, Joshua  
21 B. Swigart. I understand this will be filed in support of the Plaintiffs'  
22 unopposed request in the preliminary approval motion to have our firm  
23 appointed as the Claims Administrator, as agreed upon by the Parties. If  
24 called as a witness, I could and would testify to the matters herein from  
25 personal knowledge.

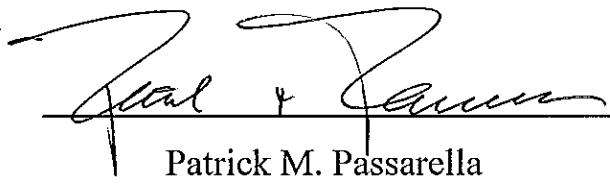
26 5. KCC was given the opportunity to provide an estimate of the cost of services  
27 related to providing notice and claims administration in this case. A true and  
28 correct copy of that estimate is attached hereto as **Exhibit A**. This represents

1 the best estimate that can be prepared at this stage and the final cost may be  
2 less after the notices are disseminated and the claims submitted and paid.  
3 Our firm prides itself on providing the best services at the lowest cost  
4 possible to the Parties and to the Class. Our firm has agreed that the costs for  
5 notice and claims administration will not exceed \$38,000.

6 6. A summary of my understanding of the case is as follows: This case involves  
7 a Class of approximately 16,691 members. The members of the Class are  
8 made up of persons who past or present customers of NutriSystem, Inc. who  
9 received automated and/or pre-recorded telephone calls to their cellular  
10 telephones from the Defendants allegedly in violation of the Telephone  
11 Consumer Protection Act. KCC will perform claims administration services  
12 including sending direct mail notice to all class members, maintaining a toll-  
13 free number for informational purposes and to make claims, maintain a  
14 website for informational purposes and to download and submit claim forms,  
15 as well as process claims and mailing of checks and vouchers to qualified  
16 claiming class members.

17 7. We look forward to handling this matter and our firm is willing to accept the  
18 appointment as Claims Administrator in this case.

19  
20 I declare under penalty of perjury under the law of California and the United  
21 States of America that the foregoing is true and correct. Executed this 5<sup>th</sup> day of  
22 May, 2014 at Novato, CA.

23  
24   
25  
26

27  
28 Patrick M. Passarella